

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CR-19-D-2  
No. 5:16-CV-533-D

LAFAYETTE THANIEL AVERY, JR.,     )  
                                                  )  
                                          Petitioner,     )  
                                                  )  
                                          v.     )  
                                                  )  
UNITED STATES OF AMERICA,     )  
                                                  )  
                                          Respondent.     )

**ORDER**

Having examined petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 26 day of October 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge